

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BEST MEDICAL INTERNATIONAL,  
INC.,

Plaintiff,

vs.

BUCHANAN INGERSOLL & ROONEY  
PC,

Defendant.

CIVIL ACTION. NO. 20-1077

**ORDER**

On May 23, 2022, the Court referred an additional matter involving discovery issues to the Special Master Richard F. Rinaldo (ECF No. 182), who had previously been appointed to review a substantial number of documents to which Plaintiff Best Medical International, Inc. (“BMI”) had asserted one or more privileges. (ECF No. 65.) On July 22, 2022, the Special Master issued a Report and Recommendation (“R&R”) (ECF Nos. 203 & 203-2), as to Defendant Buchanan Ingersoll & Rooney PC’s (“BIR”) Motion for Ruling that Best Medical International Inc. Has Intentionally Waived Privilege Regarding Previous Produced and Related Documents (ECF No. 149) as well as relief sought by BMI its reply brief to BIR’s Motion (ECF No. 156).

The R&R is a continuation of the Special Master’s role in this case. As reflected in previous filings, he reviewed a voluminous number of documents that BMI asserted were privileged. (*See generally*, ECF Nos. 110, 136, 139.) The R&R summarizes the extensive process in which he and the parties engaged with respect to the present controversy, including multiple rounds of briefing, oral argument and submission of an extensive record.

BMI has asserted objections to the R&R (ECF No. 206) and BIR has submitted a response to BMI's objections (ECF No. 207). In resolving BMI's objections to the R&R, the Court reviews the Special Master's R&R *de novo* pursuant to Federal Rule of Civil Procedure 53(f)(3) and (4).


After a *de novo* review, this 25th day of October 2022, it is ORDERED that the Special Master's Report and Recommendation is adopted in full.

Therefore, it is ORDERED that BIR's Motion for Ruling that Best Medical International Inc. has Intentionally Waived Privilege Regarding Previous Produced and Related Documents (ECF No. 149) is GRANTED in part and DENIED in part. The Motion is GRANTED in part as follows: it is ORDERED that BMI has intentionally waived privilege as to all documents produced in BMI0002, its second production of documents from March 2021, and that BMI is not entitled to claw back any such documents. All other relief sought by BIR is DENIED.

It is further ORDERED that BMI's requested relief in its Reply (ECF No. 156 at pp. 20–21) is GRANTED in part and DENIED in part. It is ORDERED that Item B in BMI's Reply (ECF No. 156) is GRANTED because BIR's motion seeking subject matter waiver has been denied. All other relief sought by BMI in Items A and C through F in its Reply is DENIED.

Dated: October 25, 2022

BY THE COURT:

  
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PATRICIA L. DODGE  
UNITED STATES MAGISTRATE JUDGE